

FILED
Clerk
District Court

AUG 23 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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9
10 **IN THE UNITED STATES DISTRICT COURT FOR THE**
11 **NORTHERN MARIANA ISLANDS**

12 **JULIE DEGAYO,**

13 **Plaintiff,**

14 **v.**

15 **COMMONWEALTH PORTS**
16 **AUTHORITY, DFS SAIPAN, Ltd.**
17 **AND AKINO AFIN,**

18 **Defendants.**

Civil Action No. 05-0018

JOINT STATEMENT OF THE
PARTIES PURSUANT TO
F.R.C.P. 26(f) and LR 16.2CJ.e.2

Case Management Conference:

Date: August 26, 2004

Time: 10:00 a.m.

19 Counsel for Plaintiff Julie Degayo and for the two Defendants remaining in the
20 lawsuit, DFS Saipan, Ltd. and Mr. Akino Afin (the two foregoing Defendants collectively
21 "Defendants") conferred on August 16, 2005 pursuant to F.R.C.P. 26(f) and LR 16.2CJ.e.2.

22 The Plaintiff was represented by David G. Banes, Esq. Defendants were represented by
23 Thomas E. Clifford, Esq.

24 The parties make the following joint statement pursuant to their obligation under
25 F.R.C.P. 26(f) to report on their Rule 26(f) meeting, and also pursuant to their obligation
26 under LR 16.2CJ.e.2 to file a Case Management Conference Statement:

1. Disclosures. The parties agree to conduct disclosures pursuant to F.R.C.P. 26.

1 2. Timing and sequence of discovery. The parties propose the following discovery
2 schedule:

- 3 a. Trial to commence 12 months from the Case Management Conference;
4 b. Phased discovery with “fact” discovery first, and then “expert” discovery
5 second;
6 c. 6 months for fact discovery;
7 d. a deadline of 2 weeks after the close of fact discovery to file any fact discovery
8 motions, and to designate experts and produce experts’ reports pursuant to
9 F.R.C.P. 26(a)(2);
10 e. From the fact discovery motions filing deadline, 2 months for expert discovery;
11 and
12 f. a deadline of 2 weeks after the close of expert discovery to file any expert
13 discovery motions (this brings the case to a total of 9 months from the August
14 26, 2005 Case Management Conference).

17 3. Orders that should be entered by the Court pursuant to F.R.C.P. 26(c) or 16(b) or (c).

18 Regarding F.R.C.P. 26(c), the parties do not anticipate at this time any need for
19 protective orders. Regarding F.R.C.P. 16(c), the parties agree that the Local Rules’ pre-
20 trial procedures should be followed. Regarding F.R.C.P. 16(b), LR 16.2CJ.e.2 and the
21 topics set for discussion at the Case Management Conference pursuant to the Court’s
22 August 5, 2005 Order re Case Management Conference, the parties state as follows:

- 24 a. Service of process on parties not yet served. Not applicable. (The parties
25 proceeded by agreement in substituting in Mr. Afin for the Doe Defendant and
26

1 Defendants have since answered the complaint. Additionally, Plaintiff filed a
2 notice of dismissal of Defendant Commonwealth Ports Authority.)

- 3 b. Jurisdiction and venue. Not applicable.
- 4 c. Track assignment. The parties agree that this case is generally appropriate for the
5 Standard Track, subject to the discovery schedule proposed, above.
- 6 d. Anticipated motions. The defendants may file dispositive motions.
- 7 e. Anticipated or remaining discovery, including limitations on discovery. Please
8 refer to the proposed discovery schedule set forth above. All parties anticipate
9 the use of experts.
- 10 f. Further proceedings and scheduling of dates. The parties have no comments
11 here other than what is discussed above or below in this joint statement.
- 12 g. Appropriateness of special procedures. Not applicable.
- 13 h. Modification of standard pre-trial procedures. The parties agree that the
14 standard pre-trial procedures under the Local Rules are appropriate in this case.
- 15 i. Settlement prospects. The parties are discussing settlement.
- 16 j. Any other matter conducive to the just, efficient resolution of the case. Not
17 applicable.
- 18 k. Setting of dates for:
- 19 1. Joinder of all parties. 120 days.
- 20 2. Motions to amend. 120 days.
- 21 3. Discovery cut-off. 6 months for fact discovery, then 2 weeks for motions
22 regarding fact discovery, then 2 months for expert discovery and then 2
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weeks for motions regarding expert discovery, as discussed above.

4. Status conferences. As requested by the parties or set by the Court.
5. Discovery motions hearing date. Pursuant to the Local Rules and the fact and expert discovery motions cut-off dates as discussed above.
6. Dispositive motions filing cut-off. 60 days before trial.
7. Dispositive motions hearing date. Pursuant to the Local Rules and the dispositive motions filing cut-off.
8. Settlement conference. As requested by the parties or set by the Court.
9. Joint pretrial order. 14 days before trial.
10. Final pretrial conference. 7 days before trial.
11. Trial. 12 months from the Case Management Conference, and estimated to last approximately three days.

AGREED THAT THIS STATEMENT ACCURATELY REFLECTS THE POSITION OF THE PARTIES:



DAVID G. BANES, Esq.
Counsel for Plaintiff

Date: 8-22-05



THOMAS E. CLIFFORD, Esq.
Counsel for Defendants DFS Saipan,
Ltd. and Akino Afin

Date: 8/22/05